



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

March 1, 2006

SUBJECT: **2006-0103** – Application for properties located at **805, 809 and 815 Van Dyck Court** (near Van Dyck Dr) in an R-2/PD (Low-Medium Density/Planned Development) Zoning District.

Motion Use Permit to allow a 12-foot tall fence along the rear property line of three adjoining parcels.

REPORT IN BRIEF

Existing Site Conditions Three duplexes abutting a commercial restaurant property.

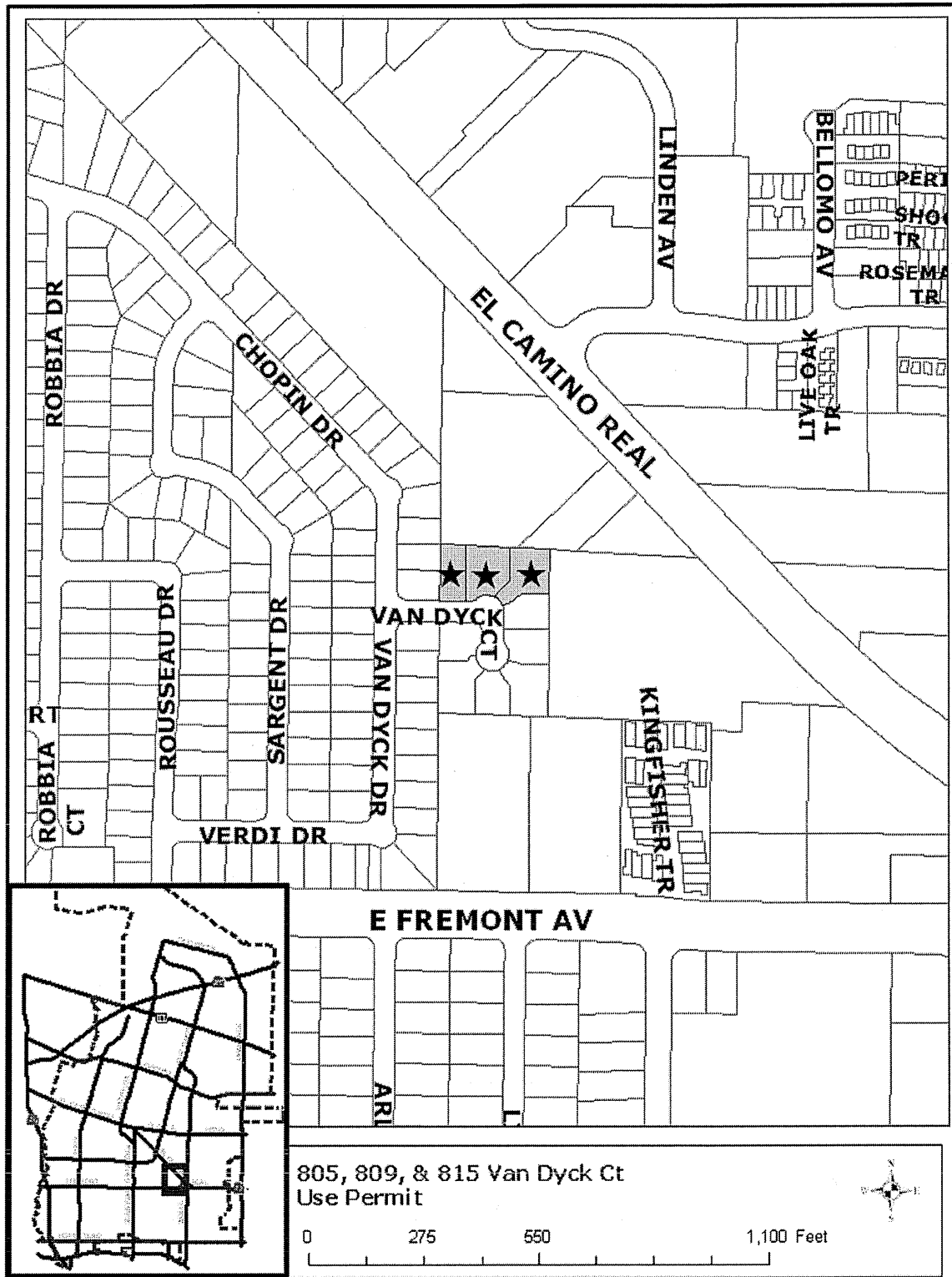
Surrounding Land Uses

North	Crazy Buffet Restaurant
South	Duplexes
East	Apartments
West	Single family homes

Issues Fence height

Environmental Status A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



ANALYSIS

Description of Proposed Project

The proposal is for a masonry wall of up to 12 feet in height between the residential properties and the commercial restaurant to the north.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2003-0947	Use Permit for a restaurant in an existing commercial building	Planning Commission Approved	04/12/04
2005-0758	Security fences behind PetSmart and Best Buy as per Special Development Permit conditions	Staff level Approved	08/12/05

Environmental Review

A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 3 Categorical Exemptions include accessory structures such as fences.

Use Permit

Site Layout: The rear yards of the residential properties abut the parking lot of the restaurant and there is an existing 6 ft. high wood fence atop a 3 ft. retaining wall. (See Attachment C, Site Plan).

Fence Design: The proposed wall height would be up to 12 ft tall, with the design to be determined by the property owners. This flexibility is consistent with what was allowed for the nearby residential properties which abutted the new commercial development of PetSmart and Best Buy. (See Attachment C, Photo of Wall). The final design is subject to review and approval by the Director of Community Development prior to issuance of the building permit (Condition #C).

Expected Impact on the Surroundings: The wall be taller than the existing fence and provide more privacy for the residential properties. This height is consistent with nearby properties that abut commercial development.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 6 notices mailed to property owners and residents adjacent to the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Use Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

Recommendation

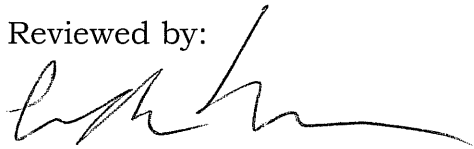
Alternative 1.

Prepared by:



Kelly Diekmann
Project Planner

Reviewed by:



Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site Plan and Photo of Proposed Wall Design
- D. Justification from Applicant

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element Policy N1.4 – *Preserve and enhance the high quality character of residential neighborhoods.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project provides additional privacy for residential properties.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the design is will be attractive and benefit both the residential and commercial properties.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. Obtain Building Permits from the Building Division for the wall.
- C. Final design of the wall shall be subject to review and approval by the Director of Community Development.

PARCEL MAP,
BEING THE RESUBDIVISION
OF TRACT No. 5277
CRAIG BUTCHER
SUBDIVISION

RECORDED IN BOOK 313 OF MAPS, PAGES 889, SANTA CLARA COUNTY RECORDS.
1/4 OF SECTION 9,
BEING A PORTION OF THE N.E
T.T.S., R.I.W, M.D.M. AND LYING WITHIN THE CITY OF
SUNNYVALE,
CALIFORNIA
JANUARY 1974
SCALE 1" = 40'

**RILEY ASSOCIATES
CONSULTING CIVIL ENGINEERS
· CAMPBELL, CALIFORNIA**

CITY ENGINEER'S CERTIFICATE

This case has been assigned to 25th day of September 1994, for
 conference with the representatives of Section 42.55 of my Suburban Area Shops and
at 11:00 am on Sep 27, 1994.
City Engineer of the City of Lawrence

RECORDED'S CERTIFICATE

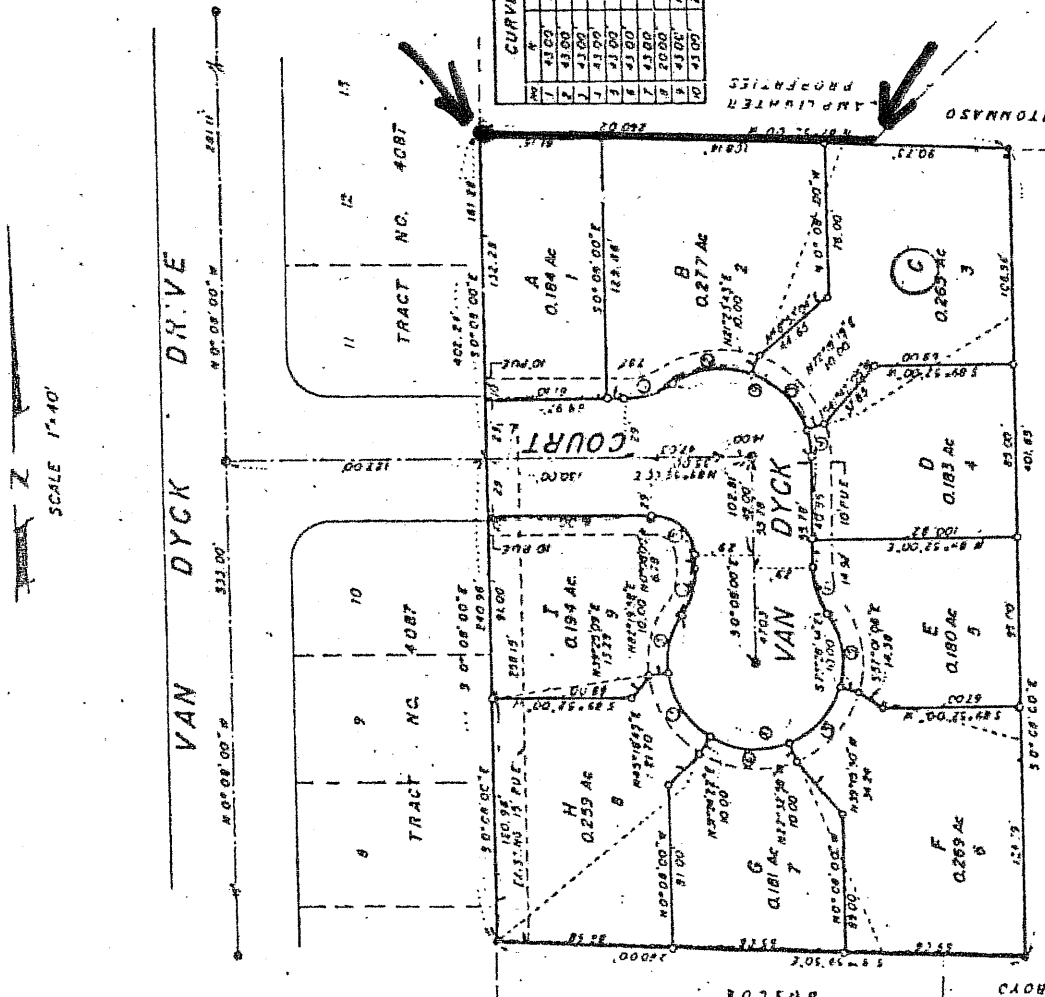
Received this 7th day of _____, 1978 at _____ as above
at _____ of the request of their Associates
_____ State No. _____
_____ See _____
George A. Brown, County Assessor
By _____ District _____

LEGEND AND NOTES

- industries producing CFC's banned
- industries $\frac{2}{3}$ "low phase gas"
- industries $\frac{1}{3}$ "low phase gas"

MARKED IN RED.
TO REPLACE EXISTING 3-FOOT
RETAINING WALL &
6-FOOT WOOD FENCE

CURVE DATA				
NO	π	Δ	L	
1	43.00	54.00/0.04	24.88	
2	43.00	54.00/0.18	41.04	
3	43.00	50.33/0.16	38.21	
4	43.00	49.48/0.21	37.17	
5	43.00	49.48/0.31	37.18	
6	43.00	43.75/0.25	40.49	
7	43.00	42.41/0.1	40.54	
8	43.00	40.00/0.10	39.42	
9	43.00	41.00/0.08	39.43	
10	43.00	24.88/0.08	16.89	



ANALYSIS OF BEARINGS

The bearing S 0° 08' 00" E of the quarter-section 1, Town Dyer, Range 19 North, is shown at the end of Tract No. A-67, Littleton Subdivision, and has been used as a basis of bearings shown here.

UNIVERSITY'S CERTIFICATE

I have been thinking about you very much lately, especially since I saw your picture in the paper. I hope you are well and happy. I am still here, working hard as usual. I will write again soon.

Your friend,
John Doe

James F. M'Intosh, M.C.E. 1883

KEITH G. COBLINTZ
100-732-6120

EX. 1" DIA. X 10'H. RAYWOOD ASH -
(SHOWN @ 15 YEAR GROWTH)
EX. 8" DIA. RAYWOOD ASH

~~EX. 8" DIA. RAYWOOD ASH~~

Asphalt
EX. PLANTERS

ONE STORY
RESTAURANT BUILDING

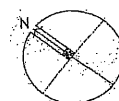
Aspirin:

PARCEL C
335 M 10

LAUDERBAUGH
A S S O C I A T E S
Landscape Architecture/Planning
102 Persian Drive, Suite 202
Sunnyvale, California 94089-1517
(408) 745-7380

FOUND 5:

K R P 1 1.9 0 0 7



N O R T H

$$\begin{array}{r} \triangle 07.05.05 \\ 05.02.05 \\ 04.26.05 \\ \hline 03.17.05 \end{array}$$

SCALE: 1"=30'-0"

0 30' 60' 90'

RIA LANE

ARKING LOT SHADING PLAN

PROPOSED
TYPE OF WALL -

THE SAME AS
HAS BEEN BUILT
BEHIND PETSMART
PROTECTING THE
HOUSES AT REAR



KEITH E. COBLONTZ
408-732-6120

USE PERMIT JUSTIFICATIONS

The Municipal Code states that at least one of the following two justifications must be met before granting the Use Permit. Illustrating how your project meets at least one of the below criteria will assist the City in reviewing your proposal. Use this sheet or a separate sheet of paper to show ~~how~~ the proposed use:

1) attains the objectives and purposes of the General Plan of the City of Sunnyvale,

or --

2) is desirable and not materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the zoning district.

A sound wall behind the income properties at 803 through 817 Van Dyck Court, restricting the noise from commercial property being built or planned behind us, and restoring the peace and quiet formerly enjoyed before the demolition of a two-storey motel at our rear, would be not only desirable, especially to us, but would assist in keeping up the value and rental potential of our property, which is now threatened.

The sound wall would also cover up the view of the now-clear El Camino Real, which was formerly blocked by the demolished motel, and it would remove the constant flash-flash-flash of car lights coming to the new parking behind the very popular Crazy Buffet.

My wife and I and two owners on either side of us own the properties named above, and we are all equally affected by this development project. We have not been offered any sound protection, but all other affected owners have been promised a wall, and one such wall has already been built. There would seem to be no room for such discrimination.

If you need assistance in answering either of these justifications, contact the Planning Division staff at the One-Stop Permit Center.

CD 379.1 (2/93)

KEITH G COBLENTZ
408-732-6120